

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT I. HANFLING, CHAPTER 11	)	
TRUSTEE FOR ATG, INC. AND ATG	)	
CATALYTICS L.L.C.,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 05-10077-RGS
	)	
EPSTEIN BECKER & GREEN, P.C.	)	
JOHN PRESTON, CHRISTOPHER NAGEL,	)	
EUGENE BERMAN, ETHAN JACKS,	)	
QUANTUM CATALYTICS LLC, ABC	)	
CORPS 1 through 5 and JOHN DOES	)	
1 through 5,	)	
	)	
Defendants.	)	

**MOTION FOR LEAVE FOR WITHDRAWAL OF COUNSEL**

Defendants Eugene Berman and Ethan Jacks hereby move for leave of court, pursuant to Rule 83.5.2 of the Local Rules of the United States District Court for the District of Massachusetts, for the withdrawal of Barry F. McCarthy and his firm, McCarthy & Berlin, Suite 140, 2005 Hamilton Avenue, San Jose, California 95125, as their counsel in this proceeding, and state as follows in support of their motion:

1. Mr. McCarthy and McCarthy & Berlin were retained as local counsel during the period when this case was pending before the United States Bankruptcy Court for the Northern District of California. As the case was transferred to this Court effective January 13, 2005, it is no longer necessary for Defendants Berman and Jacks to engage local counsel in the Northern District of California.

2. Defendants Berman and Jacks have engaged counsel admitted to practice before this court, and a formal notice of appearance of John P. Coyle and Jon R. Stickman of the firm

Duncan & Allen, Suite 300, 1575 Eye Street, N.W., Washington, D.C. 20005-1175 accompanies this motion.

3. No trial date has been set in this case. Leave of court for the withdrawal of counsel is required because there is presently a hearing set for August 19, 2005, on motions to dismiss (including a motion to dismiss filed by Defendants Berman and Jacks).

4. A form of order authorizing and accepting the withdrawal of Mr. McCarthy and McCarthy & Berlin as counsel in this matter is submitted along with this motion.

Dated at Washington, D.C., this 1<sup>st</sup> day of August, 2005.

Respectfully submitted,

DUNCAN & ALLEN  
Counsel for Defendants  
Eugene Berman and Ethan Jacks

*/s/ electronically filed*

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John P. Coyle (BBO # 103530)  
Jon R. Stickman (*Pro Hac Vice*)  
Duncan & Allen  
Suite 300  
1575 Eye Street, N.W.  
Washington, D.C. 20005-1175  
Telephone: (202) 289-8400  
Facsimile: (202) 289-8450

**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that one copy of the foregoing MOTION FOR LEAVE FOR WITHDRAWAL OF COUNSEL, proposed ORDER GRANTING LEAVE FOR WITHDRAWAL OF COUNSEL, and NOTICE OF APPEARANCE has this day been served by first class United States mail, postage prepaid, upon the following:

Marjorie S. Cooke, Esq.  
Paula M. Bagger, Esq.  
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Barry F. McCarthy, Esq.  
McCarthy & Berlin  
Suite 140  
2005 Hamilton Avenue  
San Jose, California 95125

*/s/ electronically filed*

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John P. Coyle  
Duncan & Allen  
Suite 300  
1575 Eye Street, N.W.  
Washington, D.C. 20005-1175

Dated at Washington, D.C.  
this 1<sup>st</sup> day of August, 2005.

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DISTRICT OF MASSACHUSETTS

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TRUSTEE FOR ATG, INC. AND ATG  
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v.

EPSTEIN BECKER & GREEN, P.C.  
JOHN PRESTON, CHRISTOPHER NAGEL,  
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QUANTUM CATALYTICS LLC, ABC  
CORPS 1 through 5 and JOHN DOES  
1 through 5,

Defendants.

C.A. No. 05-10077-RGS

**ORDER GRANTING LEAVE FOR WITHDRAWAL OF COUNSEL**

Defendants Eugene Berman and Ethan Jacks having moved for leave of court, pursuant to Rule 83.5.2 of the Local Rules of the United States District Court for the District of Massachusetts, for the withdrawal of Barry F. McCarthy and his firm, McCarthy & Berlin, Suite 140, 2005 Hamilton Avenue, San Jose, California 95125, as their counsel in this proceeding, and good cause appearing for the granting of such motion, IT IS HEREBY

ORDERED, that leave for the withdrawal of Barry F. McCarthy and McCarthy & Berlin as counsel for Defendants Berman and Jacks is GRANTED.

SO ORDERED.

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UNITED STATES DISTRICT JUDGE

Dated: